



Boxee New York (HQ)  
122 W 26<sup>th</sup> St. 8<sup>th</sup> Floor  
New York, NY 10001  
+1 (212) 675 7400

Boxee Tel Aviv (R&D)  
P.O. Box 20517  
Haarbaa 16, 3<sup>rd</sup> Floor  
Tel Aviv, Israel  
+972 (3) 624 5678

E info@boxee.tv  
W www.boxee.tv

March 15, 2012

**Ex Parte via Electronic Filing**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Basic Service Tier Encryption; Compatibility Between Cable  
Systems and Consumer Electronics Equipment,*  
MB Dkt. No. 11-169, PP Dkt. No. 00-67

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Dear Ms. Dortch:

On March 13, 2012, the undersigned spoke via teleconference with Michelle Carey and Allison Neplokh of the Media Bureau regarding the above-referenced rulemaking. I reiterated Boxee's position that the Commission only permit a cable operator to encrypt the basic tier if the operator provides a comparable alternative to Clear QAM, namely, an alternative means of accessing the broadcast channels that does not require additional hardware rental or cable operators' consent or certification. I reviewed possible means of achieving such alternative access that have been discussed in this docket, including direct IP delivery, set-top boxes compliant with DLNA-based networking standards, BS DTD converter boxes, and emphasized that a hardware-free approach is preferable.<sup>1</sup>

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record.

Respectfully Submitted,

/s/ Melissa Marks

Melissa Marks  
General Counsel

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<sup>1</sup> See also Letter from Melissa Marks, General Counsel, Boxee, Inc., to Marlene H. Dortch, FCC, MB Dkt. No. 11-169, PP Dkt. No. 00-67 (Feb. 15, 2012) (explaining that set-top boxes with DLNA-based networking would not make consumers whole for the loss of Clear QAM).

cc: William Lake  
Michelle Carey  
Allison Neplokh